

EXHIBIT 5

1 UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
2 -----x
THE AUTHORS GUILD, INC., et al.,
3 PLAINTIFFS,
4
5 -against- Case No:
6 05CV8136 (DC)
7 GOOGLE INC.,
8 DEFENDANT.
9 -----x

10 DATE: January 4, 2012
11 TIME: 1:05 P.M.

12

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14 DEPOSITION of a Plaintiff, BETTY MILES, taken
15 by the Defendants, pursuant to a Notice and to the
16 Federal Rules of Civil Procedure, held at the offices of
17 MILBERG, LLP, One Pennsylvania Plaza, New York, New York
18 10119, before Deborah Garzaniti, a Notary Public of the
19 State of New York.

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1 APPEARANCES:

3 MILBERG, LLP.
4 Attorneys for the Plaintiffs
One Pennsylvania Plaza
5 New York, New York 10119
BY: (NOT PRESENT)

6

7 BONI & ZACK, LLC.
8 Attorneys for the Plaintiffs
15 St. Asaphs Road
9 Bala Cynwyd, Pennsylvania 19004
BY: MICHAEL J. BONI, ESQ.

10

11 DURIE TANGRI, LLP.
12 Attorneys for the Defendant
217 Leidesdorff Street
13 San Francisco, California 94111
BY: JOSEPH C. GRATZ, ESQ.

14

15 ALSO PRESENT:
16 Anita Fore from The Authors Guild

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1 FEDERAL STIPULATIONS

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3 IT IS HEREBY STIPULATED AND AGREED by and between
4 the counsel for the respective parties herein that the
5 sealing, filing and certification of the within
6 deposition be waived; that the original of the
7 deposition may be signed and sworn to by the witness
8 before anyone authorized to administer an oath, with the
9 same effect as if signed before a Judge of the Court;
10 that an unsigned copy of the deposition may be used with
11 the same force and effect as if signed by the witness,
12 30 days after service of the original & 1 copy of same
13 upon counsel for the witness.

14

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16 IT IS FURTHER STIPULATED AND AGREED that all
17 objections except as to form, are reserved to the time
18 of trial.

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1 BETTY MILES, called as a witness, having been
2 first duly sworn by a Notary Public of the State of New
3 York, was examined and testified as follows:

4 EXAMINATION BY

5 MR. GRATZ:

6 MR. GRATZ: Mark this as Miles Exhibit 1,
7 please.

8 (Whereupon, the aforementioned document was
9 marked as Miles Exhibit 1 for identification as of this
10 date by the Reporter.)

11 Q. Please state your name for the record.

12 A. Betty Miles.

13 Q. What is your address?

14 A. 3306 Wake Robin Drive, Shelburne, Vermont
15 05482.

16 Q. Good afternoon, Ms. Miles.

17 A. Good afternoon.

18 Q. How are you?

19 A. Fine. Thank you.

20 Q. So what has been placed in front of you
21 is marked as Exhibit 1.

22 MR. BONI: Let's put that before her so it is
23 official.

24 Q. Ms. Miles, are you appearing here today
25 as a result of your Counsel getting this notice?

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1 **A. Yes.**

2 **Q.** So I will ask while we are here today, I
3 want to have a conversation with you, but she also has
4 to write down everything that we are saying. We should
5 not talk over each other. We should say yes and no
6 rather than nodding.

7 **A. Okay, yes.**

8 **Q.** And it is a little warm in here and it is
9 a cold day. I know you have come a long way. If you
10 need to take a break at any point, let me know.

11 **A. Thank you.**

12 **Q.** You are here because you are a Plaintiff
13 in a lawsuit against Google; is that right?

14 **A. That's right.**

15 **Q.** What is the lawsuit about?

16 **A. The lawsuit is about whether or not**
17 **Google has the right to have control of my copyrighted**
18 **books and those of all of the other authors that I**
19 **represent.**

20 **Q.** What do you mean by control?

21 **A. I mean being able to do what I want with**
22 **my own copyrighted books, that is to earn money from**
23 **them, to sell rights to them.**

24 **Q.** What is Google doing that is interfering
25 with those rights?

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1 **A. It is taking control of those rights**

2 **without asking me whether it has permission to do so.**
3 **Q.** What are you asking the Court to do about
4 that?

5 **A. To ask permission of me and all of the**
6 **other authors that I represent before doing something**
7 **with the books, which have their own copyright, and also**
8 **to pay damages for the books that they have already**
9 **taken over, \$750.**

10 **Q.** What is Google doing that you object to?

11 **A. It is not asking my permission as a**
12 **copyright holder for anything that it is doing,**
13 **specifically putting quote snippets from the books on**
14 **the website and sending a copy of a digitized book back**
15 **to the libraries from which they are cooperating with it**
16 **in this time.**

17 **Q.** You mentioned the objection to Google not
18 having asked permission?

19 **A. Yes.**

20 **Q.** If Google had asked your permission
21 before scanning your book and displaying snippets, what
22 would your response have been?

23 **MR. BONI:** Objection to the form. You can
24 answer. I am placing an objection into the record.

25 THE WITNESS: Okay.

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1 **A. My objection would be that Google**
2 **shouldn't do that, to me or to any other author.**

3 **Q.** Do you think that that is true of all
4 authors?

5 **A. I do.**

6 **Q.** What makes you think that?

7 **A. Well, I want to say common knowledge.**

8 **Q.** Do you base that common knowledge on
9 anything in particular?

10 **A. Well, I for one don't want my rights**

11 **taken away from me unless -- I assume other people who**
12 **are authors as well don't want their rights taken away.**

13 **I guess I would call that common knowledge.**

14 **Q.** Are you asking for the Court to order
15 Google to shut down the snippet view portion of Google
16 Books?

17 **A. Among other things.**

18 **Q.** Other than the \$750 payment, what things
19 are those?

20 **A. Digitizing full copies of books.**

21 **Q.** Your books or those of others?

22 **A. All.**

23 **Q.** Why do you want the Court to order that
24 Google shut down the snippet view portion of Google
25 Books?

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1 **A. Because --**

2 **MR. BONI:** Let me object to form. There is a
3 lot in that question for which there is a lacking of
4 foundation, Google Books, for example. It hasn't been
5 established if she knows what that is and all of that,
6 so you can do whatever you want. I am objecting to the
7 form of the question.

8 **MR. GRATZ:** Sure. Let me go back a little
9 bit.

10 **Q.** Are you familiar with a website called
11 Google Books?

12 **A. Yes.**

13 **Q.** What is Google Books?

14 **A. I don't know enough to tell you.**

15 **Q.** Do you know anything about Google Books?

16 **A. Google Books is the site on which one can**
17 **see snippets displayed.**

18 **Q.** How does one come to see snippets
19 displayed using Google Books?

20 **A. By calling up and reading it, I suppose.**

21 **Q.** How does one call it up?

22 **A. By searching for Google Books.**

23 **Q.** Have you used Google Books?

24 **A. Yes.**

25 **Q.** What have you used Google Books for?

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1 **A. To look up my own books.**

2 **Q. Have you used Google Books for anything**
3 else?

4 **A. No.**

5 **Q. What did you find when you looked up your**
6 own books on Google Books?

7 **A. I found lists of some of my books.**

8 **Q. Did you find anything other than lists?**

9 **A. I didn't find anything other.**

10 **Q. Did you find any of your books having**
11 snippets displayed from them?

12 **A. I have seen snippets displayed.**

13 **Q. Under what circumstances did you see**
14 snippets displayed?

15 MR. BONI: You can answer.

16 **A. He showed me this morning. I seen.**

17 **Q. Before this morning, did you see snippets**
18 of your books displayed?

19 **A. No.**

20 **Q. When was the most recent time that you**
21 used Google Books?

22 **A. I don't know.**

23 **Q. Was it in the last year?**

24 **A. Yes.**

25 **Q. About how many times have you used Google**
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1 Books?

2 **A. Very infrequently.**

3 **Q. Less than ten times?**

4 **A. Yes.**

5 **Q. Less than five times?**

6 **A. Yes.**

7 **Q. Less than three times?**

8 **A. Once or twice.**

9 **Q. Each time it was looking to see whether**
10 your books were there?

11 **A. Just general interest, yes.**

12 **Q. I used the word snippet in an earlier**
13 question. I just want to make sure we have a common
14 understanding of what that means. What is a snippet?

15 **A. I want to ask you what you call a**
16 snippet, but what I call a snippet is a piece taken from
17 a book or from a blurb about a book, but specifically
18 from the content of the book from which you can get an
19 idea of what the book is about, how it is written. It
20 depends on which snippet.

21 **Q. Why does it depend on which snippet?**

22 **A. Because there could be more than one**
23 snippet about any given book.

24 **Q. So I am going to go back to a question**
25 that I asked earlier now that we got all of the terms in

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1 place. Is one of the things you are asking the Court to
2 do is to stop Google from displaying snippets of books
3 on Google Books?

4 **A. Yes.**

5 **Q. Why do you want the Court to do that?**

6 MR. BONI: Object to the form.
7 **A. I want the Court to do that because the**
8 snippet comes from a whole book which belongs to me by
9 copyright.

10 **Q. What is the relevance of the snippet**
11 coming from a whole book?

12 **A. The snippet is a reference to a book that**
13 exists and has been digitized by Google.

14 **Q. Why do you want the Court to stop that?**
15 **A. Because I don't want people to read the**
16 books that they search via the snippet without my
17 control or my permission.

18 **Q. Any other reason?**

19 **A. That will do.**

20 **Q. If the snippet view feature of Google**
21 Books were shut down, as you are asking the Court to do,
22 would that benefit you?

23 MR. BONI: Object to the form.

24 **A. Yes, it would make it less easier for**
25 potential readers to read something that I feel is

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1 **A. unauthorized.**

2 **Q. In any other way would it benefit you?**

3 **A. It would benefit me by knowing this was**
4 true for all other authors.

5 **Q. Do you think that shutting down the**
6 snippet view feature of Google Books would benefit all
7 of the other members of the class?

8 **A. I do.**

9 **Q. Do you think that there are any whom it**
10 would harm?

11 **A. I don't know if there is a neutral**
12 between benefit and harm.

13 **Q. Do you think that it would be neutral as**
14 to some authors?

15 **A. No, I think it would be harmful if the**
16 authors, myself included, didn't get the benefit.

17 **Q. What benefit of that?**

18 **A. Of not having our books, as I said.**

19 **Q. So you don't think there are any authors**
20 whom Google Books benefits; is that right?

21 MR. BONI: Object to the form.

22 **Q. It is all right. Let me ask the question**
23 in a clearer way.

24 **Do you think there are any authors who are**
25 benefited by the snippet view feature of Google Books?

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1 **A. No. I already said that I think that all**
 2 **authors are harmed by having their copyright used in**
 3 **this way.**

4 **Q. Do you think there are any countervailing**
 5 **benefits?**

6 **A. In this circumstance, no.**

7 **Q. Are there any circumstances in which**
 8 **there would be countervailing benefits?**

9 MR. BONI: I think you are getting --

10 **A. Google is digitizing the books, that**
 11 **means that they are available without a financial**
 12 **benefit to me.**

13 **Q. To whom are they available?**

14 **A. They are available to anyone who uses a**
 15 **library that has received a copy of the digitized book.**

16 **Q. If they weren't available to library**
 17 **patrons as a result of Google's digitization, would you**
 18 **have the same objection?**

19 **A. Yes.**

20 **Q. Why?**

21 **A. Because that is only one instance of**
 22 **harm.**

23 **Q. What other instances are there?**

24 **A. The very fact that an author doesn't have**
 25 **control of the book, which he or she has copyrighted,**

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1 **owns the rights to, that's my right and that's the right**
 2 **of every author, so.**

3 **Q. Do you consider that an economic right?**

4 **A. Among others.**

5 **Q. Have you lost any sales of books as a**
 6 **result of Google Books?**

7 **A. I have no way of knowing that.**

8 **Q. Do you think that Google scanning and a**
 9 **snippet display of your out of print books has resulted**
 10 **in lost sales?**

11 MR. BONI: Objection to form. You can
 12 answer.

13 **A. I don't know.**

14 **Q. Do you think that Google scanning and a**
 15 **snippet display of your out of print books has resulted**
 16 **in economic harm to you in the form of lost sales?**

17 **A. No.**

18 **Q. Have you done anything to try to find out**
 19 **whether there have been any lost sales?**

20 **A. No.**

21 **Q. Are any of your books currently in print?**

22 **A. It is a little unclear. Most of them are**
 23 **out of print. Some of them are in print in certain**
 24 **versions and not in ours, and publishers hold on to the**
 25 **category in print as long as they possibly can.**

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1 **Q. Why do they do that?**

2 **A. So that they can continue to or out of**
 3 **print so that they can -- you know, they call them out**
 4 **of print when, in fact, they don't intend to make**
 5 **another printing immediately, but might in the future**
 6 **and they can keep you thus from selling the rights to**
 7 **some other publishers.**

8 **Q. Is that true of any of your books right**
 9 **now?**

10 **A. I don't know.**

11 **Q. Do you know whether anyone has bought a**
 12 **copy of one of your books after finding it through**
 13 **Google Books?**

14 **A. No, I don't know that.**

15 **Q. You don't know one way or the other**
 16 **whether it has happened?**

17 **A. I don't know.**

18 **Q. If that happened, would that be an**
 19 **economic benefit to you?**

20 **A. No.**

21 MR. BONI: Object to the form. You've
 22 answered.

23 **A. I have answered.**

24 **Q. Why not?**

25 **A. Because I wouldn't be getting the royalty**
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1 **as I otherwise should.**

2 **Q. Let me clarify my question.**

3 Well, let me ask a different question. Do
 4 you know whether Google is selling copies of your books
 5 on Google Books?

6 **A. No.**

7 **Q. Do you know whether Google is selling or**
 8 **making available full pages from your books on Google**
 9 **Books?**

10 **A. I don't know.**

11 **Q. Is part of your objection based on a**
 12 **belief that Google is selling copies of your books on**
 13 **Google Books?**

14 MR. BONI: Objection to form.

15 **A. I guess you have to say it again.**

16 **Q. Is part of your objection as part of this**
 17 **lawsuit to what Google is doing based on your**
 18 **understanding that Google may be selling copies of your**
 19 **books?**

20 MR. BONI: Before you answer, Betty, I want
 21 to interpose an objection. Joe, to clarify when you say
 22 part of your objection, are you referring to the
 23 allegations set forth in the Complaint or the Witness's
 24 personal belief or what? That is very unclear.

25 MR. GRATZ: Sure.

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1 book committee?
 2 **A. I don't remember. I don't know.**
 3 **Q.** Do you currently hold a position of
 4 leadership?
 5 **A. No.**
 6 **Q.** About when did you last hold a position
 7 of leadership in the Authors Guild?
 8 **A. Eight to ten years ago.**
 9 **Q.** Other than being chair of the children's
 10 book committee, have you ever held any other position in
 11 the Authors Guild, other than member?
 12 **A. No.**
 13 **Q.** Did anyone from the Authors Guild
 14 approach you specifically about including your books in
 15 the Back In Print program?
 16 **A. Not me specifically.**
 17 **Q.** How did you come to learn of the program?
 18 **A. Through written materials from the**
 19 **Authors Guild.**
 20 **Q.** Like a newsletter?
 21 **A. Informational material on this, yes.**
 22 **Q.** Do you know if the Authors Guild receives
 23 revenues from the sales of Backinprint.com editions?
 24 **A. No.**
 25 **Q.** Do you know the nature of the deal
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1 between the Authors Guild and iUniverse with respect to
 2 the Authors Guild Backinprint.com program?
 3 MR. BONI: Object to the form.
 4 **A. I don't know.**
 5 **Q.** You said "I don't know"; is that right?
 6 **A. I did.**
 7 MR. GRATZ: Let's mark as Exhibit 7, this
 8 book.
 9 (Whereupon, the aforementioned book was
 10 marked as Miles Exhibit 7 for identification as of this
 11 date by the Reporter.)
 12 **Q.** I handed you what has been marked as
 13 Exhibit 7. Do you recognize Exhibit 7?
 14 **A. Certainly do.**
 15 **Q.** What is Exhibit 7?
 16 **A. A book called The Trouble With Thirteen.**
 17 **Q.** What is The Trouble With Thirteen?
 18 **A. This is a paperback book.**
 19 **Q.** Is it a novel?
 20 **A. Yes.**
 21 **Q.** A young adult novel?
 22 **A. Yes, it is.**
 23 **Q.** What is it about?
 24 **A. Do you really want to know?**
 25 **Q.** Briefly?
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1 MR. BONI: Joe, my God.
 2 **A. I could read it to you.**
 3 **Q.** I will withdraw the question.
 4 It tells a story; is that right?
 5 **A. Yes.**
 6 **Q.** It is not a reference book?
 7 **A. It is not a reference book.**
 8 **Q.** To learn what happens in the story, you
 9 have to read the book; is that right?
 10 **A. That's right.**
 11 **Q.** And the reason someone would buy The
 12 Trouble With Thirteen is that they can read the book and
 13 it tells the story; is that right?
 14 **A. Yes.**
 15 MR. GRATZ: We will mark this as Exhibit 8,
 16 this document.
 17 (Whereupon, the aforementioned document was
 18 marked as Miles Exhibit 8 for identification as of this
 19 date by the Reporter.)
 20 **Q.** I am handing you what has been marked as
 21 Exhibit 8. Do you recognize Exhibit 8?
 22 **A. How do you mean recognize? I've never**
 23 **seen it before.**
 24 **Q.** What is Exhibit 8, if you know?
 25 **A. So far it is bits and pieces from -- oh,**
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1 **1 The Trouble With Thirteen, Hey! I am reading! and**
 2 **another The Trouble With Thirteen.**
 3 **Q.** Turning your attention to the first three
 4 pages of Exhibit 8.
 5 **A. Just a minute.**
 6 **Q.** Sorry.
 7 **A. Okay. The first three pages.**
 8 **Q.** Yes. In the upper left-hand corner, do
 9 you see that it says Google Books?
 10 **A. Yes.**
 11 **Q.** Does this appear to be a page from Google
 12 Books?
 13 **A. I don't know.**
 14 **Q.** You will see an image under where it says
 15 The Trouble With Thirteen in the upper left-hand corner?
 16 **A. Yes.**
 17 **Q.** Is that the title page of The Trouble
 18 With Thirteen in the box?
 19 **A. Yes.**
 20 **Q.** Below that it says "from inside of the
 21 book," do you see that?
 22 **A. Yes.**
 23 **Q.** Underneath that, it is a little hard to
 24 see on this copy, there is the word Annie in a box with
 25 a button "search" next to it?
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1 Do you understand the Complaint in this case
 2 to be seeking a remedy for the display of a list of
 3 common terms and phrases in the manner in which you see
 4 here on the second page of Exhibit 8?

A. You will have to start that question again.

Q. Do you understand The Complaint in this case?

A. Yes, I do.

Q. To be seeking a remedy for the display of terms and phrases?

A. For this kind of -- not for these specific words.

Q. But for the practice of developing and displaying lists of common terms and phrases?

A. You are still not asking it the way that I want you to ask it.

MR. BONI: You can answer it however you want to answer it. If you don't understand the question, have him ask it again.

A. Well, you are asking if I object to these words being shown?

MR. BONI: He is asking if The Complaint says it.

A. The Complaint does not say anything about
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1 these words. The Complaint says all authors do not want
 2 the text to be so available by so many snippets without
 3 the permission of the authors.

Q. Your understanding is the Complaint doesn't deal specifically with lists of common words and phrases; is that right?

A. Not specifically with my books, that is why it has been hard to answer all of these questions.

Q. Do you personally object to the display of a list of common terms and phrases from your books?

A. I do.

Q. Why?

A. Because it implies that there is a scanned book which is then going to be available to libraries. This is proof of it.

Q. So it is not the list itself. It is that it implies the copies that would need to be made to make this list; is that right?

A. It implies, yes, copying the book without authorization.

Q. Is The Trouble With Thirteen in print?

A. The Trouble With Thirteen has been printed in many editions, so many that I can't tell you whether overall it is considered by my publisher in print or not.

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1 MR. GRATZ: I will mark as Exhibit 9 a
 2 two-page document, the heading Betty Miles Out-Of-Print
 3 Titles and In-Print Status Unknown.
 4 (Whereupon, the aforementioned document was
 5 marked as Miles Exhibit 9 for identification as of this
 6 date by the Reporter.)

Q. Do you recognize what has been marked as Exhibit 9?

A. Yes. It is a list of books of mine that are now out of print.

Q. What is the second page of Exhibit 9?
A. Status unknown of my books, whether they are in print or out of print.

Q. Between the first and second pages of Exhibit 9, is this a complete list of your books?

A. Oh, I think I have about 35. We can count.

Q. Let me ask a different question then.
Q. Did you prepare Exhibit 9?

A. Yes, I did.

Q. Do you know of any books that aren't listed on Exhibit 9?

A. No. I would hope it was a comprehensive list.

Q. I think I have come up with five that are
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1 not on Exhibit 9.

2 MR. BONI: The Trouble With Thirteen.

3 **A. Is not on this.**

4 **Q.** We will be referring to this list a couple of times. I want to confirm just a couple of things. In addition to the books listed here, you wrote a book called The Trouble With Thirteen?

5 **A. Yes.**

6 **Q.** That was first published by Knopf?

7 **A. Yes.**

8 **Q.** You wrote a book called I Would If I Could?

9 **A. Yes.**

10 **Q.** That was first published by Knopf?

11 **A. Yes.**

12 **Q.** That is currently available as An Authors Guild Back In Print; right?

13 **A. Yes.**

14 **Q.** You also published a book called Maudie And Me?

15 **A. Yes.**

16 **Q.** It was first published by Knopf?

17 **A. Yes.**

18 **Q.** You also published a book called The Secret Life Of The Underwear Champ?

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14 of 37 sheets

1 **A. Yes.**
 2 **Q. Which I recall fondly.**
 3 **A. Oh, how nice.**
 4 **Q. That was first published by Knopf?**
 5 **A. Yes.**
 6 **Q. You also published a book called Sink Or**
 7 **Swim?**
 8 **A. Yes.**
 9 **Q. That was first published by Knopf as**
 10 **well?**
 11 **A. Yes.**
 12 **Q. And you also wrote the other books that**
 13 **are listed here?**
 14 **A. Yes.**
 15 **Q. Do you know how many of your books have**
 16 **been scanned by Google?**
 17 **A. No, I don't.**
 18 **Q. Have you asked Google to remove any of**
 19 **your books from Google Books?**
 20 **A. No, not as an individual.**
 21 **Q. Why not?**
 22 **A. Because this is part of the claim and I**
 23 **am acting with respect to that.**
 24 **Q. Do you want Google to remove any of your**
 25 **books from Google Books?**

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1 **A. It is not the problem of my books. It is**
 2 **the problem of the principle of doing this for all**
 3 **books.**
 4 **Q. So apart from your desire that Google**
 5 **Books be changed with respect to all books, you don't**
 6 **have a particular desire to have your own books removed?**
 7 MR. BONI: It mischaracterizes the testimony.
 8 I object to the form.
 9 **A. I mean I care about -- this is something**
 10 **that I care about. I care about it for my own books, of**
 11 **course they are my own books, I care about it for all**
 12 **authors' books.**
 13 **Q. But you haven't asked Google to remove?**
 14 **A. No, well, except as this claim is asking.**
 15 **Q. Do you want Google to remove your books**
 16 **from Google Books?**
 17 **A. Yes.**
 18 **Q. What is your role in this litigation?**
 19 **A. My role is to stand for all other authors**
 20 **and to be aware of the gist of the claim and to approve**
 21 **of that, yes.**
 22 **Q. When did your involvement in this**
 23 **litigation begin?**
 24 **A. Back when the original -- I guess that**
 25 **was 2005.**

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1 **Q. When did you first learn that the Authors**
 2 **Guild was considering bringing a lawsuit against Google?**
 3 **A. Probably the year before.**
 4 **Q. From whom did you learn that?**
 5 **A. From the Authors Guild.**
 6 **Q. A particular person at the Authors Guild?**
 7 **A. I can't tell you. Certainly from the**
 8 **Authors Guild's bulletin. I can't tell you because I**
 9 **can't remember.**
 10 **Q. So you learned from the Authors Guild's**
 11 **bulletin that the Authors Guild was considering bringing**
 12 **a lawsuit against Google?**
 13 **A. Yes.**
 14 **Q. What happened next?**
 15 **A. It did.**
 16 **Q. Did the Authors Guild contact you**
 17 **specifically about becoming a named Plaintiff?**
 18 **A. Yes, and I don't know how soon that must**
 19 **have been.**
 20 **Q. Do you remember who at the Authors Guild**
 21 **contacted you?**
 22 **A. It probably was Paul.**
 23 **Q. By Paul you mean Paul Akin?**
 24 **A. Yes, Paul Akin as director.**
 25 **Q. Do you know why he contacted you**
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1 **specifically?**
 2 **A. Because I have been involved in the Guild**
 3 **in part and because one of my books was in the**
 4 **University of Michigan library which was one of the**
 5 **libraries that is a part of this program.**
 6 **Q. You are in this case as in your status as**
 7 **a member of the Guild?**
 8 **A. Partly, in my status as an author, in my**
 9 **work as an author.**
 10 **Q. What was your involvement in the case**
 11 **before it was filed? Paul Akin talked to you, you read**
 12 **this in the bulletin, Paul Akin talked to you, what**
 13 **happened next?**
 14 **A. I can't tell you in sequence. I know I**
 15 **talked to Anita about the case over time and read a lot**
 16 **about it.**
 17 **Q. Before the case was filed, did you talk**
 18 **to Anita about it?**
 19 **A. Probably not.**
 20 **Q. Before the case was filed, did you talk**
 21 **to anyone other than Paul Akin about it?**
 22 **A. Not that I remember.**
 23 **Q. Did you talk to Mike Boni about it before**
 24 **it was filed?**
 25 **A. No.**

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1 the proposed settlement were fair?

2 **A. Yes.**

3 **Q.** But the authors are now asking for a
4 different amount of money than was in the settlement, is
5 that your understanding?

6 **A. I don't know.**

7 **Q.** Thinking back to the proposed settlement,
8 were you in charge of deciding what its terms should be?

9 **A. No.**

10 **Q.** Who was?

11 **A. That's a group of people, not whom I am
12 one.**

13 **Q.** Did you have the independent ability to
14 reject the settlement?

15 **A. No. I am not a lawyer.**

16 **Q.** Turning to a different topic in 2011,
17 just by category, what were your sources of income?

18 **A. Royalties. Well, Social Security, right,
19 pension, TIAA. Do you know that?**

20 **Q. Yes.**

21 **A. And royalties from my own books and
22 royalties from my late husband's books.**

23 **Q.** What is your late husband's name?

24 **A. Matthew B. Miles.**

25 **Q.** Is your pension related to your work at
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1 Bank Street?

2 **A. No, no, that was not full-time teaching.**

3 **Q.** About how much, just not in terms of
4 dollars?

5 **MR. BONI:** This is personal information. Can
6 you profer a reason why you are asking for her income
7 right now?

8 **MR. GRATZ:** I am not asking for any number of
9 dollars.

10 **MR. BONI:** Well, why are you asking these
11 questions? They seem so far afield in her role as a
12 class representative.

13 **Q.** What percentage of your income came from
14 royalties last year?

15 **A. Last year?**

16 **Q.** Yes.

17 **A. In 2011?**

18 **Q.** Yes.

19 **A. Is that a legitimate question there?**

20 **MR. BONI:** I object to the propriety of the
21 question. I will allow her to answer. It doesn't
22 violate a privilege, but I think we are far afield of
23 the subject matter of the deposition.

24 **A. 15 to 20 percent.**

25 **Q.** About how much of that was from your
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1 books versus your late husband's?

2 **A. More of it was from my late husband.**

3 **Q.** Turning now to a different topic, The
4 Trouble With Thirteen, as we said, is a young adult
5 novel; is that right?

6 **A. Yes. That classification is vague. This
7 is a young, young adult novel.**

8 **Q.** In that it is aimed as a younger age
9 group?

10 **A. Yes. Well, 13.**

11 **Q.** What is the purpose of a young adult
12 novel?

13 **MR. BONI:** Object to the form.

14 **A. A young adult novel in general?**

15 **Q.** Yes.

16 **A. I could talk for a half an hour about
17 that. I don't know how to sum it up, but it is to
18 entertain, edify, amuse, instruct, all of the purposes
19 of reading, younger people, concentrating mostly --
20 focusing on their age, their age range, rather than the
21 adults that surround them.**

22 **Q.** Is it right that The Secret Life Of The
23 Underwear Champ is also an adult novel?

24 **A. Yes, that is really young, young adult.**

25 **Q.** How about Looking On?

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1 **A. Yes, I would call that a young adult
2 novel.**

3 **Q.** Sink Or Swim?

4 **A. Around 12 say.**

5 **Q.** Likewise, Maudie And Me And The Dirty
6 Book is a young adult novel of some description?

7 **A. Yes.**

8 **Q.** All It Takes Is Practice as well?

9 **A. Yes.**

10 **Q.** As well as I Would If I Could?

11 **A. A little younger.**

12 **Q.** The Real Me?

13 **A. Yes.**

14 **Q.** And Just The Beginning is also a young
15 adult novel?

16 **A. Yes.**

17 **Q.** All of those have the purposes that you
18 described earlier with respect to The Trouble With
19 Thirteen?

20 **A. Yes.**

21 **Q.** Not all of your books are young adult
22 novels?

23 **A. Right.**

24 **Q.** Others are children's picture books?

25 **A. Yes. Some of those are children's**

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1 picture books. There is one and one revised copy of a
 2 book about the environment which is really more used by
 3 middle school, even high school kids, older elementary
 4 kids.

5 Q. Is the book that you are describing Save
 6 The Earth?

7 A. Yes.

8 Q. So other than Save The Earth, are the
 9 remainder of your books children's picture books?

10 A. Yes. There is another one called Hey! I
 11 Am Reading! which is a book that it is a picture book,
 12 but it is really -- do you have it there?

13 Q. I do.

14 A. Okay, so then you can look at it and see.
 15 It is focused on the act of reading for kids starting to
 16 do that, but it is not what I would call a picture book
 17 in the traditional form.

18 Q. Is that because it is instructive rather
 19 than telling a story?

20 A. It is not a story, it is non-fiction,
 21 actually as many picture books are.

22 Q. Save The Earth doesn't tell a story; is
 23 that right?

24 A. That's right.

25 Q. A House For Everyone does tell a story;
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1 is that right?

2 A. No.

3 Q. What is A House For Everyone?

4 A. It uses the framework of a day to show
 5 children in different sorts of communities or places or
 6 families.

7 Q. Is A House For Everyone a children's
 8 picture book?

9 A. Yes, it is.

10 Q. Likewise, is The Cooking Book a
 11 children's picture book?

12 A. Yes.

13 Q. And The Feast On Sullivan Street?

14 A. Yes, that is a little older than a
 15 picture book. You see that it has a lot of text.

16 Q. A Day of Autumn, Summer, Winter and
 17 Spring?

18 A. Those are picture books.

19 Q. Mr. Turtle's Mystery?

20 A. A little more text, but it is a picture
 21 book.

22 Q. Having A Friend?

23 A. Picture book.

24 Q. And Goldilocks And The Three Bears, The
 25 Sky Is Falling and the Tortoise And The Hare?

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1 A. These are really easy to read retellings
 2 of old tales.

3 Q. What is the purpose of a children's
 4 picture book?

5 A. Oh, I could not tell you that, that
 6 varies as children's pictures books vary.

7 Q. What is the purpose of A House For
 8 Everyone?

9 MR. BONI: Object to the form.

10 A. The purpose is not --

11 MR. BONI: Purpose for whom, Joe?

12 Q. For what purpose did you write A House
 13 For Everyone?

14 A. Well, that's a hard question to ask any
 15 writer. To talk about the different ways that people
 16 live, in a way that a young child could comprehend, and
 17 to be a nice story to read before bedtime and on and on.

18 Q. With respect to each of the children's
 19 picture books that you've written, we discussed earlier
 20 whether short snippets from The Trouble With Thirteen
 21 could obviate the need for purchasing the book?

22 A. Yes.

23 Q. Is that likewise true of your picture
 24 books?

25 A. Of course a snippet of a picture book
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1 would encompass more of a book, there is pagewise,
 2 textwise.

3 Q. Would it obviate the need to purchase the
 4 book?

5 A. No. A picture book by definition has
 6 pictures in it.

7 Q. And a picture book isn't much good if you
 8 just have that much of it?

9 A. Yes.

10 MR. BONI: Are we wrapping up soon?

11 MR. GRATZ: Yes, we are getting there. I
 12 don't think we will go another hour.

13 MR. BONI: Let's take a short break.

14 (Whereupon, a short recess was taken.

15 MR. GRATZ: We have just come back from a
 16 break in the deposition that Mr. Boni requested and the
 17 Witness.

18 A. I have just been reminded that I did, in
 19 fact, read the Complaint and that I did sign an
 20 agreement and had not put that on to your record.

21 Q. Turning to the question of publishing
 22 contracts, with respect to each of your published books,
 23 was there a written publishing contract?

24 A. Yes.

25 Q. Do you currently have in your possession
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1 any of those publishing contracts?

2 **A. Oh, yes.**

3 **Q. Which ones?**

4 **A. I can't tell you.**

5 **Q. Have you provided any of those publishing**
6 contracts?

7 **A. Maybe not.**

8 MR. BONI: Do you want me to check? Whatever
9 we have we produced. I don't recall.

10 **A. I don't think I have all of them in my**
11 files, but I do have some.

12 **Q. Have you provided any of them to Mr.**

13 Boni?

14 **A. I guess not.**

15 MR. BONI: I turned over everything that we
16 had, Joe.

17 **Q. But you know you have some of them in**
18 your possession?

19 **A. I do.**

20 **Q. But not all of them?**

21 **A. Not all of them.**

22 **Q. With respect to A House For Everyone, do**
23 you have the publishing contract?

24 **A. I doubt it. That was my very first book**
25 that was published in 1958.

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1 **Q. What were the terms of the publishing**
2 contract for A House For Everyone?

3 **A. I couldn't possibly tell you.**

4 **Q. Sitting here today, can you tell me the**
5 terms of any of the publishing contracts for your books
6 or would you need to --

7 **A. By terms, do you mean financial terms, do**
8 you mean contract terms?

9 MR. BONI: You mean the paragraphs?

10 **Q. I mean contractual terms. I mean what**
11 agreements are written down in the contracts?

12 **A. I don't know. If you see a random**
13 contract which can give a branch of, you know, they are
14 legalized paper, five or six pages, small type.

15 **Q. You would need to see the contracts**
16 themselves to tell me?

17 **A. Oh, yes.**

18 **Q. Did the terms of the contracts differ**
19 from book to book at all?

20 **A. Of course.**

21 **Q. To tell me what the differences are, you**
22 would need to see the contract; is that right?

23 **A. I could tell you I was paid more money as**
24 I became a more published author and I had more say in
25 the terms, like under what, you know, selling of rights

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1 **and rising of royalties and a whole lot of things.**

2 **Q. Including non-monetary terms?**

3 **A. Right, including non-monetary terms.**

4 **Q. Do you know whether any of the publishing**
5 contracts for your books provided that you would retain
6 the digital publication rights?

7 **A. I could tell you that they did not. I**
8 mean that I did, yes, they did not give -- they did not
9 discuss digitalization.

10 **Q. They didn't discuss digitization one way**
11 or the other?

12 **A. That's right.**

13 **Q. And that's true of all of the contracts,**
14 including the ones with Aladdin in the 1990s, or would
15 you need to see the contracts?

16 **A. I would need to see the Simon & Schuster**
17 contracts. The Simon & Schuster contracts are the four
18 easy to read books. All of the others were published
19 before the question of electronic rights became an
20 issue.

21 **Q. Does that include Hey! I Am Reading?**

22 **A. Yes, it does. It was the last book**
23 published by Random before contracts discussed
24 digitization, right.

25 **Q. How do you know that?**

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1 **A. I know that because I saw the sign above**
2 my editor's desk from Mr. Vitale saying from now on, and
3 it was dated, and I had just signed my contract. From
4 now on we will not let a contract out of this house
5 without.

6 **Q. Without discussing digital rights?**

7 **A. Yes.**

8 **Q. Did any of the contracts for your books**
9 discuss promotional uses of excerpts from the publisher?

10 **A. No. I think you asked me that before and**
11 I said I don't think that is a contractual use.

12 **Q. With respect to any of your books, were**
13 there any oral rather than written agreements --

14 **A. No.**

15 **Q. -- after the contract was signed?**

16 **A. No.**

17 **Q. Did any of the contracts provide for**
18 reversion of rights to you?

19 **A. Yes.**

20 **Q. Upon occurrence of what event?**

21 **A. It is murky and I would have to look that**
22 up. I do have, as you saw, some reversion of right
23 statements.

24 **Q. Were you required to submit a reversion**
25 request?

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1 **A. Yes.**

2 **Q. With respect to all of them?**

3 **A. Each of them.**

4 **Q. Did you submit those reversion requests?**

5 **A. As they seemed to be going out of print,**
6 yes. Some of them are still ambiguous.

7 **Q. The ambiguous ones are listed on the**
8 second page of exhibit --

9 **A. Yes, as you saw not complete.**

10 **Q. Exhibit 9?**

11 **A. Yes.**

12 **Q. With respect to the titles on the first**
13 page of Exhibit 9.

14 **A. Yes.**

15 **Q. Have you submitted reversion request**
16 letters with respect to each of those titles?

17 **A. Most of them, yes, but I can't say for**
18 sure.

19 MR. GRATZ: We will mark as Exhibit 10 a
20 letter dated December 5, 1995 to Betty Miles from Alfred
21 A. Knopf, Inc.

22 (Whereupon, the aforementioned document was
23 marked as Miles Exhibit 10 for identification as of this
24 date by the Reporter.)

25 **Q. Do you recognize what has been marked as**
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1 **Exhibit 10?**

2 **A. Yes.**

3 **Q. What is Exhibit 10?**

4 **A. It is a reversion of rights agreement.**

5 **Q. It is with respect to the book Just**
6 Think; is that right?

7 **A. Yes.**

8 **Q. It is cced to McIntosh and Otis, Inc.?**

9 **A. Yes.**

10 **Q. What is McIntosh and Otis, Inc.?**

11 **A. That was my agent.**

12 **Q. Was that your agent in 1995, your agent**
13 in 1970 or both?

14 **A. I can't remember. Let's see. I think I**
15 wrote that down somewhere. No, I don't have it. I
16 forget when I left my agent. It was from the beginning
17 until I --

18 **Q. If it refreshes your recollection, here**
19 are the books back.

20 MR. BONI: You either remember or you don't.

21 **A. I don't remember. I think it was**
22 probably in the early '90s that I left my agent.

23 **Q. Why did you leave your agent?**

24 **A. I left my agent because she was not doing**
25 well with selling foreign rights and I had been

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1 **selling -- I mean my editor wanted my books. I didn't**
2 need her for sales. She was not doing well on the
3 rights and I was about to make a big sale of rights to
4 paperback rights for a lot of the novels to Knopf, my
5 publisher, and it seemed a good time to be realistic and
6 say that to her and leave her.

7 **Q. And Exhibit 10 here is an acknowledgement**
8 that the rights are reverting to you in Just Think; is
9 that right?

10 **A. Yes.**

11 **Q. So with respect to Just Think, after this**
12 letter was sent, you owned all of the rights; is that
13 right?

14 **A. Yes.**

15 **Q. Do you still own all of the rights in**
16 Just Think?

17 **A. Sure, this is forever.**

18 **Q. You haven't transferred any to anyone**
19 since this?

20 **A. No.**

21 MR. GRATZ: Let's mark as Exhibit 11 a letter
22 from Amy Nathanson from Random House to Betty Miles
23 dated July 24, 1995.

24 (Whereupon, the aforementioned document was
25 marked as Miles Exhibit 11 for identification as of this
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1 **date by the Reporter.)**

2 **Q. Do you recognize what has been marked as**
3 Exhibit 11?

4 **A. Yes.**

5 **Q. What is it?**

6 **A. It is a remainder notice of one addition**
7 of The Trouble With Thirteen being remaindered. That
8 means that there will be no more of that printed, in
9 that form.

10 **Q. Does Exhibit 11 indicate who owns the**
rights with The Trouble With Thirteen?

12 **A. No. It is only one edition of a book to**
13 which I still own the rights.

14 **Q. Do you own all rights with The Trouble**
15 With Thirteen?

16 **A. Yes. Well, no, that is one of the**
ambiguously ones, whether they reverted or not.

18 **Q. When it is reverted or not depends on the**
19 terms of the publishing contract; is that right?

20 **A. It depends on the number on whether each**
21 edition of the book has been remaindered.

22 **Q. Has each edition with The Trouble With**
23 Thirteen been remaindered?

24 **A. I don't know.**

25 **Q. Sitting here today, can you tell me**
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1 whether or not you own all of the rights to The Trouble
 2 With Thirteen?

3 **A. I don't have a formal acknowledge of the**
 4 **reversion of rights.**

5 **Q. So some rights may remain with Knopf?**

6 **A. If they -- yes, yes.**

7 **Q. Depending on whether there is an edition**
 8 **out there that hasn't been remaindered?**

9 **A. Rights don't depend on editions. It is**
 10 **the rights go with the title.**

11 **Q. With respect to that title, it is unclear**
 12 **whether all of the conditions have occurred for there to**
 13 **be?**

14 **A. Each edition has been remaindered, in**
 15 **that case I could legitimately ask for a reversion of**
 16 **rights.**

17 **Q. And you haven't asked for a reversion of**
 18 **rights with The Trouble With Thirteen?**

19 **A. No.**

20 **Q. That is likely true with respect to**
 21 **Maudie And Me And The Dirty Book; is that right?**

22 **A. I think so.**

23 MR. GRATZ: Let's mark as Exhibit 12 a letter
 24 dated February 28, 1996 to Betty Miles from Random
 25 House.

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1 (Whereupon, the aforementioned document was
 2 marked as Miles Exhibit 12 for identification as of this
 3 date by the Reporter.)

4 **Q. Do you recognize Exhibit 12?**

5 **A. Yes.**

6 **Q. What is it?**

7 **A. It is, again, another remainder notice**
 8 **for a particular edition of the book, in this case**
 9 **Maudie And Me And The Dirty Book.**

10 **Q. Is Maudie And Me And The Dirty Book**
 11 similarly situated as The Trouble With Thirteen?

12 **A. Yes.**

13 **Q. You haven't sent a reversion request with**
 14 **respect to Maudie And Me And The Dirty Book?**

15 **A. That's right.**

16 **Q. Have you sent a reversion request with**
 17 **respect to A Day Of Spring?**

18 **A. I don't know.**

19 **Q. Have you sent a reversion request with**
 20 **respect to A Day of Autumn?**

21 **A. I don't know.**

22 **Q. Other than the reversion acknowledgment**
 23 **letters that you provided to your Counsel, do you have**
 24 **any other reversion acknowledgment letters?**

25 **A. I may have, but I am not sure.**

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1 **Q. What would you need to do to find out?**

2 **A. Contact the publisher.**

3 **Q. Do you possess any other reversion**
 4 **acknowledgment letters other than the ones that you**
 5 **provided to your Counsel?**

6 **A. You just asked me. I said I wasn't sure.**

7 **Q. Are there any books for which you had**
 8 **sent a reversion request letter but not received a**
 9 **reversion acknowledgment letter?**

10 **A. At this moment, no.**

11 **Q. Is it consistent with your recollection**
 12 **that all of your out of print titles from the beginning**
 13 **through A Day Of Spring published in 1970 are ones for**
 14 **which you don't have a reversion acknowledgment letter?**

15 **A. I am not sure which of those. You have**
 16 **them here, but I don't know which ones they are.**

17 MR. GRATZ: We will have this marked as
 18 Exhibit 13, a document bearing Bates number P-Miles-025.
 19 (Whereupon, the aforementioned document was
 20 marked as Miles Exhibit 13 for identification as of this
 21 date by the Reporter.)

22 **Q. You have been handed what has been marked**
 23 **as Exhibit 13. Do you recognize this document?**

24 **A. This is Mr.-- oh, no. Yes, I mean I have**
 25 **been following these articles in the Times, yes.**

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1 **Q. This is an article by Katie Hafner,**
 2 **headlined At Harvard, a Man, a Plan and a Scanner; is**
 3 **that right?**

4 **A. Yes.**

5 **Q. This is an article that you clipped from**
 6 **the newspaper; is that right?**

7 MR. BONI: We produced this in the first
 8 production six years ago, five or six years ago.

9 **A. I intend to clip things, yes.**

10 **Q. Do you maintain clipping files of**
 11 **interesting articles?**

12 **A. Yes, I do.**

13 **Q. What led you to clip this article?**

14 **A. I have been clipping articles about the**
 15 **Google case from the beginning because I am very**
 16 **invested in this. My opinion on this has been sought**

17 **and given and I feel that my role in this case is to**
 18 **weigh in on issues around it, so it is important to me**
 19 **to keep up with. I mean this is an early one, but I**
 20 **read it, not just in the Times, in the New York review**
 21 **of books. This is important to me because I feel I am**
 22 **really representing authors who want to control their**
 23 **rights and I am concerned that I will weigh in sensibly**
 24 **and be aware and my opinion bears some weight.**

25 **Q. Turning to the second page of Exhibit 13.**

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1 **A. In the Author Guild's bulletin?**

2 **Q. Yes.**

3 **A. Yes, there were.**

4 **Q. Were those articles provided to your**
5 Counsel as part of discovery in this case?

6 **A. I have no idea.**

7 MR. BONI: We are not maintaining privilege
8 as to those, Joe.

9 MR. GRATZ: But they haven't been produced?

10 MR. BONI: No.

11 MR. GRATZ: Nothing further.

12 MR. BONI: I just have a question or two.

13 EXAMINATION BY

14 MR. BONI:

15 **Q. You were just asked among the documents**
16 **you were shown was the notice with respect to the**
17 **settlement agreement in the case; is that correct?**

18 **A. Yes.**

19 **Q. Did you weigh in with respect to the**
20 **settlement agreement?**

21 **A. Yes, I did.**

22 **Q. You testified earlier about royalty**
23 **income with respect to your late husband. What type of**
24 **author was your husband?**

25 **A. He was an academic author. He wrote**

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1 **textbooks.**

2 **Q. You were asked earlier about academic**
3 **authors and whether you can fairly represent or I think**
4 **the word was adequately represent academic authors. Do**
5 **you believe that you can?**

6 **A. Very much so.**

7 **Q. Why is that?**

8 **A. Well, not only in my husband's case, but**
9 **many of his colleagues. I know a great many academics,**
10 **as I know a great many plain authors and I know that no**
11 **matter what kind of book they are writing, they are all**
12 **concerned about their copyright and the rights of**
13 **holders of copyright to control their books.**

14 MR. BONI: I have no further questions.

15 Thank you.

16 CONTINUED EXAMINATION BY

17 MR. GRATZ:

18 **Q. One or two questions.**

19 With respect to your husband's books, were
20 they all textbooks?

21 **A. Yes, they were published by Sage**
22 **Publications, which is essentially a text house in the**
23 **social sciences essentially, yes.**

24 **Q. The publishing contracts with respect to**
25 **those textbooks, did they provide for that your late**

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1 husband could receive a reversion of rights upon

2 occurrence of some event or were they a different kind
3 of contract?

4 MR. BONI: Object to the form. You can
5 answer.

6 **A. Yes, I don't know what different kind of**
7 **contract. They were pretty thorough contracts. I am**
8 **not sure about the specific reversion of rights clause.**

9 **Q. Do you own the copyright in your**
10 **husband's books?**

11 **A. Yes, I do.**

12 **Q. And Sage does not; is that right?**

13 **A. I own them.**

14 **Q. Is that as a result of reversion or**
15 **because your husband retained ownership?**

16 **A. Because he retained ownership.**

17 **Q. Do you have any of the publishing**
18 **contracts between your husband and Sage Publishing?**

19 **A. I am sure I do.**

20 **Q. Have those been provided to your Counsel**
21 **in this case?**

22 **A. No.**

23 **Q. But you know where they are roughly?**

24 **A. Yes.**

25 **Q. You would be able to provide them?**

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1 **A. Yes.**

2 **Q. But sitting here today, you can't tell me**
3 **exactly what the terms of those contracts were without**
4 **looking at them; is that right?**

5 **A. I could tell you that they are contracts**
6 **that any academic would be pleased to have.**

7 MR. GRATZ: No further questions.

8 THE WITNESS: Thank you.

9 (Whereupon, 3:55 P.M. the Examination of this
10 Witness was concluded.)

11

12

13

14

BETTY MILES

15

16 Subscribed and sworn to before me

17 this _____ day of _____ 2012.

18

19

20

NOTARY PUBLIC

21

22

23

24

25

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1 EXHIBITS

2	EXHIBIT EXHIBIT	PAGE
3	NUMBER DESCRIPTION	
4	7 1 Notice of Deposition	4
5	8 2 A page from the book called The Real Me	23
6	9 3 A page from the book called Goldilocks And The Three Bears	27
7	10 4 A description of the book Goldilocks And The Three Bears	29
8	11 5 A display of a partial page from Just The Beginning	35
9	12 6 The book titled Just The Beginning	37
10	13 7 The book titled The Trouble With Thirteen	42
11	14 8 Web pages consisting of nine pages	43
12	15 9 Two-page document titled Betty Miles - Out-Of-Print Titles and In-Print Status Unknown	55
13	16 10 Letter dated December 5, 1995 to Betty Miles from Alfred A. Knopf	77
14	17 11 Letter from Amy Nathanson from Random House to Betty Miles dated July 24, 1995	79
15	24 (Exhibits continue on next page)	
16	25 DIAMOND REPORTING, INC. - info@diamondreporting.com 718.624.7200 97	

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1 MILES EXHIBITS:

2	EXHIBIT EXHIBIT	PAGE
3	NUMBER DESCRIPTION	
4	5 12 Letter dated February 28, 1996 to Betty Miles from Random House	82
6	7 13 An article bearing Bates number P-Miles-025	83
8	8 14 E-Mail from the Authors Guild to Betty Miles of September 23, 2005	87
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1 CERTIFICATE

2

3 STATE OF NEW YORK)

: SS.:

4 COUNTY OF RICHMOND)

5

6

7 I, DEBORAH GARZANITI, a Notary Public for and
8 within the State of New York, do hereby certify:
9 That the witness whose examination is
10 hereinbefore set forth was duly sworn and that such
11 examination is a true record of the testimony given by
12 that witness.

13 I further certify that I am not related to any
14 of the parties to this action by blood or by marriage
15 and that I am in no way interested in the outcome of
16 this matter.

17 IN WITNESS WHEREOF, I have hereunto set my hand
18 this 6th day of January 2012.

19

20

21 -----
DEBORAH GARZANITI

22

23

24

25

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B. MILES

1 C E R T I F I C A T E

2
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4 COUNTY OF RICHMOND) : SS.:
5
6

7 I, DEBORAH GARZANITI, a Notary Public for and
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17 IN WITNESS WHEREOF, I have hereunto set my hand
18 this 6th day of January 2012.

19

20 _____
21 Deborah Garzaniti,
22 DEBORAH GARZANITI

23

24

25